LIBRARY

IN THE

Supreme Court of the United States

Office-Supreme Court, U.S.
FILED
DEC 1 1966
JOHN F. DAVIS, CLERK

October Term, 1966

No. 524

MICHAEL IZZI, *Petitioner*

vs.

JOHN R. REZZOLLA, JR., ESQ., DALLETT HEMPHILL, ESQ., WILLIAM J. C. O'DONNELL, ESQ., and JAMES O'NEAL, ESQ., *Respondents*

PETITION FOR REHEARING

Michael Izzi,
Pro se, Petitioner

927 S. High Street
West Chester, Pennsylvania

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1966

No. 524

MICHAEL IZZI, *Petitioner*

vs.

JOHN R. REZZOLLA, JR., ESQ., DALLETT HEMPHILL, ESQ., WILLIAM J. C. O'DONNELL, ESQ., and JAMES O'NEAL, ESQ., *Respondents*

Petition for Rehearing of Order Denying Petition For Writ of Certiorari Dated November 7, 1966.

Petitioner respectfully prays that, pursuant to Paragraph 2 of Rule 58 of the revised rules of this Honorable Court, a rehearing be granted of the Order of this Honorable Court, entered in this case on November 7, 1966 denying the petition for a writ of certiorari to the Pennsylvania Supreme Court, Eastern District. The petitioner respectfully shows as follows:

1. That petitioner, by honest and harmless mistake, filed with this Court the wrong court certified records which was caused by a misunderstanding.

2. That the petitioner's honest and harmless mistake is corrected and the proper court certified records are now

filed with this petition for rehearing and review which were not available to this Court when this Court order of November 7, 1966 was issued.

3. The principal question before this Honorable Court is: May an honest and harmless mistake be corrected?

In *Earnest v. Napier*, 15 Ga. 306; *Whitaker v. Whitaker*, 19 Ky. L. Rep. 1476, 43 S. W. 464; *Schamberg v. Leslie*, 19 Ky. L. Rep. 599, 41 S. W. 265; *Myers v. Trice*, 86 Va. 835, 11 S. E. 428, it was held that where, in the progress of the trial, the cause suffers injustice from the honest mistake of the party or his counsel, a continuance will be allowed.

In the instant case based upon the same principle as cases cited is that in place of continuance is a rehearing upon the proper court certified records that will support the petition for writ of certiorari filed in this Court on September 6, 1966, to which the respondent chose not to answer.

4. It will be observed that the petitioner was denied the right to be heard in the Supreme Court of Pennsylvania to present evidence that was excluded from the records of its lower court of which part is found in the appendix of petition for writ of certiorari, in which copies of letters prove that the petitioner was made a victim of a conspiracy to do injuries and to make matters worse the respondent has used the United States mail to carry out fraud by force against petitioner's person, rights and property that calls for a reply from the respondents, all of whom failed to make appearance for their day in court.

5. The petitioner stands alone with the United States Constitution and this Court for protection against respondent's malicious abuse of power in respect to real property seized and judicial procedure that does not meet the standards of the fair hearing and due process clause to our constitution.

CONCLUSION

For reasons set forth above and in the petition for writ of certiorari, it is respectfully urged that a rehearing be granted and that, upon such rehearing a writ of certiorari issue to the Supreme Court of Pennsylvania, Eastern District.

Respectfully submitted,

MICHAEL IZZI,
Pro se Petitioner

CERTIFICATE OF GOOD FAITH

I, Michael Izzi, pro se, do hereby certify that the foregoing petition for a rehearing is presented in good faith; that I sincerely believe that there is substantial legal reason for a rehearing; and this petition is not filed for the purpose of delay and is restricted to grounds which are, as I believe, intervening circumstance of substantial and controlling effect within the meaning of Rule 58, Paragraph 2, and constitute also substantial ground not previously presented to this Court in the petition for certiorari.

MICHAEL IZZI,
Pro se Petitioner
927 South High Street
West Chester, Penna.

PROOF OF SERVICE

I, Michael Izzi, pro se, petitioner herein, do hereby certify that on December 1, 1966, I served 5 copy of the foregoing petition for a rehearing by United States registered mail and number, postage prepaid on each respondent, as follows:

JOHN R. REZZOLLA, JR., ESQ. - no. 740095
1652 Cedarcliff Drive
Camp Hill, Penna.

DALLETT HEMPHILL, ESQ. - no. 740096
108 S. High Street
West Chester, Penna.

WM. J. C. O'DONNELL, ESQ. - no. 740097
543 Hickory Lane
Berwyn, Penna.

JAMES E. O'NEILL, ESQ. - no. 740098
26 East Market Street
West Chester, Penna.